



State of Utah

Department of  
Environmental Quality

Richard W. Sprott  
*Executive Director*

DIVISION OF SOLID AND  
HAZARDOUS WASTE

Dennis R. Downs  
*Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

January 8, 2008

Shane Whitney  
Facility Manager  
Clean Harbors Grassy Mountain, LLC  
P.O. Box 22750  
Salt Lake City, Utah 84122-0890

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**SUBJECT: NOTICE OF VIOLATION No. 0711031**  
**EPA ID No. UTD991301748**

Dear Mr. Whitney:

During October 2006 through September 2007, representatives of the Utah Division of Solid and Hazardous Waste conducted compliance inspections at the Clean Harbors Grassy Mountain facility. The enclosed NOTICE OF VIOLATION is based on findings documented during those inspections.

You are hereby requested to submit to this office on or before February 8, 2008, written verification that the violations noted herein have been corrected. This notification should include an explanation of the steps taken to correct the problems and the corrective actions implemented to ensure that these violations do not recur.

If you have any questions, please contact Ed Costomiris at 801-538-6208.

Sincerely,

**ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 1/8/08**

Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

DRD/EGC/tjm

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TN200701544

c: Myron Bateman, E.H.S., M.P.A., Health Officer, Tooele County Health Department  
Leslie Ashwood, Compliance Manager, Grassy Mountain Facility  
Eric Johnson, U.S. EPA, Region VIII, ENF-RC

## BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:	:	<u>NOTICE OF VIOLATION</u>
	:	
Clean Harbors Grassy Mountain, LLC	:	<u>No. 0711031</u>
UTD991301748	:	
	:	

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This **NOTICE OF VIOLATION** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Section 19-6-101, et seq., Utah Code Annotated 1953, as amended. The Board has delegated to the Executive Secretary authority to issue such **NOTICES** in accordance with Section 19-6-112 of the Utah Code Annotated and R315-12-2.2 (a) of the Utah Administrative Code.

### FINDINGS

1. Clean Harbors Grassy Mountain, LLC (hereafter referred to as the Grassy Mountain Facility) is a Delaware company licensed to do business in Utah.
2. The Grassy Mountain Facility generates listed and characteristic hazardous waste as defined by R315-2 of the Rules.
3. The Grassy Mountain Facility operates a commercial hazardous waste treatment, storage and disposal facility near Knolls in Tooele County, Utah.
4. The Grassy Mountain Facility operates under the provisions of the State-issued Hazardous Waste Permit (the Permit) re-issued to Safety-Kleen on May 2, 2001, as modified. The Permit was originally issued to USPCI on June 30, 1988.
5. The Grassy Mountain Facility is subject to all applicable provisions of the Act, Utah Administrative Code R315 (the Rules) and the Permit.
6. Authorized representatives of the Utah Solid and Hazardous Waste Control Board (inspectors) conducted hazardous waste inspections at the Grassy Mountain Facility from October 2006 through September 2007. The following findings were documented during those inspections.
7. Permit Condition II.L.1. requires that the Grassy Mountain Facility comply with the manifest requirements of R315-5-5 and R315-8-5. R315-8-5.2(b) requires that any

significant discrepancy, as defined in R315-8-5.4(a), be documented on each copy of the manifest.

During an inspection on December 5, 2006, two manifests (numbers 000472692 and 000472691) from the Clean Harbors Ryley, Alberta, Canada facility both indicated the incorrect number of containers on them. One container had been transferred from one transport vehicle to the other after the manifests had been prepared at the Ryley facility. There was no indication on the manifests of the discrepancies.

8. Permit Condition I.T.1. requires that the Grassy Mountain Facility orally report to the Executive Secretary any noncompliance with the permit which may endanger human health or the environment no later than 24 hours from the time the Permittee becomes aware of the noncompliance.

On February 6, 2007, the Executive Secretary was notified that the emergency eyewash/shower in the Stabilization Area was non-functional. A review of the Remedial Work Order issued for the repair of the eyewash/shower was prepared on January 29, 2007. Oral notification should have been made to the Executive Secretary no later than January 30, 2007.

9. Permit Condition II.B.1. requires that the Permittee design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or release of hazardous waste to the air, soil, groundwater or surface water which could threaten human health or the environment.

On April 18, 2007, a waste stream from Pacific States Cast Iron generated a gas while being treated in a stabilization tank. The gas ignited and burned.

On June 13, 2007, a release of arsine gas resulted in an injury to an employee and his subsequent transportation by air to the University of Utah Hospital.

10. R315-15-4.6(c) of the Used Oil Management Rules requires that containers of used oil be: (1) In good condition, with no severe rusting, apparent structural defects, or deterioration; and (2) Not leaking (no visible leaks).

During an inspection on July 10, 2007, Container 13295314, a container of used oil, was documented bulging in the Drum Dock. Fluid had leaked out of the small bung hole onto the top of the drum.

11. Section 4.12.4 of the Waste Analysis Plan requires that the wheel wash collection tanks be sampled and analyzed annually for the purpose of verifying compliance with R315-8-22 (40CFR§264SubpartCC).

During an inspection on September 18, 2007, it was identified that the wheel wash collection tanks had not been sampled and analyzed since June 2003.

12. Permit Condition I.A.2. requires the Permittee to comply with R315-3. R315-3-2.2(d)(1) requires that submittals made by the Permittee to the Executive Secretary contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

During a review of documents received from the Grassy Mountain Facility, nine documents were identified that were required to have this certification, but did not. The documents are identified by the Division of Solid and Hazardous Waste tracking numbers and are as follows: TN200700040, TN200700594, TN200700836, TN200700837, TN200701152, TN200701402, TN200701451, TN200701471, and TN200701736

In addition, two documents, numbers, TN200702017 and TN200702417, contained the wrong certification statements, utilizing the TSCA certification statement in lieu of the required statement.

13. Permit Condition IV.G.3. requires that all active tanks be certified by a qualified, independent Utah-certified, professional engineer, at least once every twelve months.

The annual tank inspection of the Leachate Tanks for 2006 took place on September 7, 2006. The next annual tank inspection of the Leachate Tanks occurred on October 12, 2007, over twelve months from the previous inspection.

### **DETERMINATION OF VIOLATIONS**

Based on the foregoing FINDINGS, the Grassy Mountain Facility has violated provisions of the Rules, the Act, and the Permit applicable to its facility. Specifically, the Grassy Mountain Facility has violated the following:

1. Condition II.L.1. of the Permit by failing to identify and document manifest discrepancies.
2. Condition I.T.1. of the Permit by failing to orally report to the Executive Secretary noncompliance with the permit which may have endangered human health or the environment.
3. Permit Condition II.B.1 by failing to design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or release of hazardous waste

to the air, soil, groundwater or surface water which could threaten human health or the environment.

4. R315-15-4.6(c) of the Used Oil Management Rules by storing used oil in containers with apparent structural defects and that were leaking.
5. Section 4.12.4 of the Waste Analysis Plan by failing to sample and analyze the wheel wash collection tanks annually.
6. Condition I.A.2. of the Permit by failing to incorporate the required certification statement on documents required by the Permit submitted to the Executive Secretary.
7. Condition IV.G.3. of the Permit by failing to inspect the Leachate Tanks within twelve months of the previous inspection.

### **OPPORTUNITY FOR HEARING**

This NOTICE OF VIOLATION is effective immediately and shall become final unless contested within 30 days of issuance in accordance with R315-2-14(b) and R315-12-2.2(b) of the Rules. Section 19-6-113(2) of the Utah Code Annotated also provides that violators of the Solid and Hazardous Waste Act or any order, plan, rule, or other requirement issued or adopted under the Solid and Hazardous Waste Act may be subject to a civil penalty of up to thirteen thousand (\$13,000.00) dollars per day for each day of violation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008

By: \_\_\_\_\_

Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board